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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/731,212	12/06/2000	Clifford L. Spiro	LD-11332/GEC 2 0450	8624

7590 04/23/2003

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EXAMINER

YUN, JURIE

ART UNIT

PAPER NUMBER

2882

DATE MAILED: 04/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/731,212

Applicant(s)

SPIRO ET AL.

Examiner

Jurie Yun

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 December 2000.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 December 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>2</u> . | 6) <input type="checkbox"/> Other:  |

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "lamp extends from the fixture by a distance which is about half that of a maximum diameter of the lamp" of claim 20 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, 9, 13, 14, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Ferenc (USPN 4,866,329).

4. With respect to claims 1, 2, 13, and 14, Ferenc discloses a high brightness lamp comprising: a concave reflector (Fig. 5, 16); a light source (32) positioned within the reflector, with its major axis perpendicular to an axis of the lamp; a lens (34) which covers an open end of the reflector, the lamp emitting light with a beam angle which is at least 55 degrees.

5. With respect to claim 3, Ferenc discloses the lamp has a narrow profile, the reflector having a diameter which is about twice a height of the reflector and lens combined (see Fig. 5).

6. With respect to claims 9 and 18, Ferenc discloses the light source is a tungsten halogen tube (column 2, line 51).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 4, 5, 10, 12, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ferenc (USPN 4,866,329) as applied to claim 1 above.

9. With respect to claims 4, 5, and 12, Ferenc does not disclose the lamp has a narrow profile, the reflector having a ratio of diameter to length along the axis which is from about 2.5:1 to about 3.5:1, or 3:1. However, this is a design choice to calculate by experimentation the ratios of the reflector diameter to length to determine which values provide the best light conditions. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Ferenc invention and disclose the lamp has a narrow profile, the reflector having a ratio of diameter to length along the axis which is from about 2.5:1 to about 3.5:1, or 3:1. This would provide for a low profile lamp with maximum brightness.

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10. With respect to claim 10, Ferenc does not disclose the light source is a double ended quartz tungsten halogen tube. Ferenc discloses a halogen tube (column 2, lines 50-51). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Ferenc invention and disclose the light source is a double ended quartz tungsten halogen tube. These are functional equivalents.

11. With respect to claim 20, Ferenc does not disclose attaching the lamp by a base to a fixture in a ceiling such that the lamp extends from the fixture by a distance which is about half that of a maximum diameter of the lamp. The specification is silent as to this, and the benefits of this positioning in the ceiling. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Ferenc invention and disclose attaching the lamp by a base to a fixture in a ceiling such that the lamp extends from the fixture by a distance which is about half that of a maximum diameter of the lamp. This is a design choice in placement of the lamp fixture.

12. Claims 6 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ferenc (USPN 4,866,329) as applied to claims 1 and 12 above, and further in view of Golz (USPN 5,683,175).

13. With respect to claims 6 and 15, Ferenc does not disclose the lens includes a plurality of lenticules which spread the beam. Ferenc instead discloses the use of tubular projections (column 4, lines 15+) to spread the beam. Golz discloses a lenticular lens (Fig. 3) to spread the beam. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Ferenc

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invention and disclose the lens includes a plurality of lenticules which spread the beam, as taught by Golz. These are functional equivalents.

14. Claims 7, 8, 16, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ferenc (USPN 4,866,329) as applied to claims 1 and 12 above, and further in view of Martin et al. (USPN 4,078,188).

15. With respect to claims 7, 8, 16, and 17, Ferenc does not disclose the lamp is run at a voltage which is at about 10% greater than that for which the lamp was designed. Martin et al. disclose running a lamp at a voltage which is greater than that for which the lamp was designed (column 2, lines 40-47). Although Martin et al. do not disclose running the lamp at about 10% greater than that for which the lamp was designed, this could be found by experimentation at different voltages. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Ferenc invention and disclose the lamp is run at a voltage which is at about 10% greater than that for which the lamp was designed. This would make the lamp brighter.

16. Claims 11 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ferenc (USPN 4,866,329) as applied to claims 1 and 12 above, and further in view of McBride, Jr. et al. (USPN 6,034,473).

17. With respect to claims 11 and 19, Ferenc does not disclose the light source is positioned between a focal point of the reflector and the lens. McBride, Jr. et al. disclose this (column 2, lines 25-27). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Ferenc invention and disclose the light source is positioned between a focal point of the reflector and the lens,

as taught by McBride, Jr. et al. McBride, Jr. et al. disclose (Abstract), "This placement provides a greater light output than is achievable by positioning the light source at the focal point of the reflector."

**Conclusion**

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Holmes (USPN 4,170,747) discloses higher voltage setting operates the lamp at an effective brighter level (column 7, lines 60-61).

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jurie Yun whose telephone number is 703 308-3535. The examiner can normally be reached on Monday-Friday 8:30-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert H. Kim can be reached on 703 305-3492. The fax phone numbers for the organization where this application or proceeding is assigned are 703 308-7722 for regular communications and 703 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308-0956.

Jurie Yun  
April 16, 2003

ROBERT H. KIM  
SUPERVISOR